

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Newport News Division**

**ERIC S. MOORE, SR.  
and  
BRENDA MOORE,**

**Plaintiffs,**

**v.**

**Civil Action No.: 4:11-cv-122**

**SHAPIRO & BURSON, LLP,**

**Defendant.**

**PLAINTIFFS' RESPONSE TO ORDER  
TO SHOW CAUSE**

The Plaintiffs, ERIC S. MOORE, SR. and BRENDA MOORE (hereafter the "Plaintiffs"), by counsel, respectfully request that this action not be dismissed pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, and further show good cause herein by stating the following:

1. The Plaintiffs have, in fact, served the Defendant, SHAPIRO & BURSON, LLP, with process, with said service having been effected upon John Burson, Registered Agent of the Defendant, on November 30, 2011. An affidavit of service is attached hereto as Exhibit "A".
2. The Defendant must now file an answer or other responsive pleading within twenty-one (21) days after being served the Summons and Complaint pursuant to Rule 12 of the Federal Rules of Civil Procedure. The Defendant's answer is due on or before December 21, 2011.
3. With service of process having been effected within 120 days of filing the Complaint, the Plaintiffs submit that they have complied with Rule 4(m) of the Federal Rules of Civil Procedure and request that this action be permitted to proceed.

WHEREFORE, having shown good cause, the Plaintiffs, ERIC S. MOORE, SR. and BRENDA MOORE, respectfully request that this Honorable Court not dismiss the action and allow this matter to proceed in due course.

Respectfully submitted,

**ERIC S. MOORE, SR. and  
BRENDA MOORE**

/s/

Joseph F. Verser, Esq., VSB No.: 73494  
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*Counsel for Plaintiffs*

HEATH LAW, P.L.C.

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12/21/2011

## AFFIDAVIT OF SERVICE

COMMONWEALTH OF VIRGINIA

SERVICE OTHER THAN BY VIRGINIA SHERIFF

in the:

**UNITED STATES DISTRICT COURT, EASTERN DISTRICT  
OF VA - NORFOLK DIVISION**

STATE/COMMONWEALTH OF:  
VA

ERIC S MOORE, SR., ET AL

CASE NO:

**4:11CV122**

In re / v.  
SHAPIRO & BURSON, LLP

**JOHN BURSON, REG AGENT**

**SHAPIRO & BURSON, LLP**

**13135 LEE JACKSON HWY, #201, FAIRFAX, VA 22033**

is the name and address of the person upon whom service of the following is to be made.

**Document(s)      SUMMONS IN A CIVIL ACTION**  
**Served:            COMPLAINT**

I, the undersigned swear/affirm that I am a private process server, I am not a party to, or otherwise interested in the subject matter in controversy in this case, I am 18 years of age or older, and I served as shown below, the above named person upon whom service of process was to be made with copies described above.

Date and time of service: **11/30/2011 @ 3:00 PM**

METHOD OF SERVICE:

**PERSONAL SERVICE**

PENDING AOS FROM SERVER

COMMONWEALTH OF VIRGINIA

Dated: 12/2/2011

Signature

CITY OF POQUOSON

Subscribed and sworn to/affirmed before me this day by

**PENDING AOS FROM SERVER**

who is personally known to me.

Date: 12/2/2011

My commission expires:

\_\_\_\_\_  
Signature of Notary Public

**COPY**

Hester Services, Inc., P.O. Box 2070, Poquoson, VA 23662, Phone 757-868-5833

SHARON MINGEE

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**EXHIBIT**

A

